

**AUG 03 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

DOROTEO SANTIAGO LOPEZ-  
HERNANDEZ; GABINA OBDULIA  
GARCIA GONZALEZ,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-74984

Agency Nos. A95-316-067  
A95-316-068

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Doroteo Santiago Lopez Hernandez and his wife, Gabina Obdulia Garcia  
Gonzales, natives and citizens of Mexico, petition pro se for review of the Board

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

of Immigration Appeals' ("BIA") order denying their motion to reconsider its prior order affirming an immigration judge's ("IJ") decision denying their application for cancellation of removal. We deny in part and dismiss in part the petition for review.

Petitioners failed to address in their opening brief, and therefore have waived any challenge to, the BIA's final determination that they did not identify any error of fact or law warranting reconsideration. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (holding issues which are not specifically raised and argued in a party's opening brief are waived).

We lack jurisdiction to consider Petitioners' contentions regarding the BIA's underlying order dismissing their direct appeal from the IJ's decision because Petitioners failed to timely petition this court for review of that decision. *See id.* at 1258.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**